

Chapter HAS 6

LICENSURE OF SPEECH–LANGUAGE PATHOLOGISTS, AUDIOLOGISTS AND TEMPORARY LICENSEES

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Note: Chapter HAS 6 as it existed on May 31, 1993, was repealed and a new chapter HAS 6 was created effective June 1, 1993.

Subchapter I – Speech–Language Pathologists and Audiologists

HAS 6.01 Authority and purpose. The rules in this chapter are adopted by the hearing and speech examining board under the authority of ss. 227.11 (2) and 459.24 to 459.34, Stats., to govern the licensure of speech–language pathologists, audiologists and temporary licensees.

History: Cr. Register, May, 1993, No. 449, eff. 6–1–93; CR 01–043: am. Register October 2001 No. 550, eff. 11–1–01.

HAS 6.02 Definitions. In this chapter and in ch. 459, Stats.:

(1) “ASHA” means the American speech–language hearing association.

(1m) “Au.D.” means a doctor of audiology degree.

(2) “Audiologist” has the meaning given in s. 459.20 (1), Stats.

(3) “Audiology” has the meaning given in s. 459.20 (2), Stats.

(4) “Board” means the hearing and speech examining board.

(4t) “Hearing aid” has the meaning given in s. 459.20 (3g), Stats.

(5) “NESPA” means the national examination for speech–language pathology and audiology.

(6) “Postgraduate clinical fellowship” means a program approved by the board consisting of a minimum of 9 months of supervised clinical practice in speech–language pathology or audiology provided in the work setting to which an applicant is seeking licensure.

(6a) “Practice of fitting and dealing in hearing aids” has the meaning given in s. 459.20 (3p), Stats.

(7) “Speech–language pathologist” has the meaning given in s. 459.20 (4), Stats.

(8) “Speech–language pathology” has the meaning given in s. 459.20 (5), Stats.

(9) “Supervised clinical practicum” means a program required by a college or university for completion of a master’s degree that consists of supervised applications of speech–language pathology or audiology.

(10) “Verification of clinical competence” means written confirmation submitted directly to the board by ASHA stating that an applicant holds a certificate of clinical competence in speech–language pathology or audiology.

History: Cr. Register, May, 1993, No. 449, eff. 6–1–93; cr. (4m), Register, August, 1995, No. 476, eff. 9–1–95; cr. (4r), Register, July, 1997, No. 499, eff. 8–1–97; cr. (10), Register, July, 1998, No. 511, eff. 8–1–98; am. (intro.), (2) and (3), cr. (4o), (4t), (6a), (6b) and (8a), Register, February, 1999, No. 518, eff. 3–1–99; CR 01–043: cr.

(1m), r. (4o), (4r) and (8a), am. (7) to (9), Register October 2001 No. 550, eff. 11–1–01; CR 03–025: cr. (4g) and (5g) Register January 2004 No. 577, eff. 2–1–04; CR 05–026: am. (1m), r. (4g), (4m), (5g) and (6b) Register September 2005 No. 597, eff. 10–1–05.

HAS 6.03 Applications for licensure; speech–language pathologist. Every applicant for licensure as a speech–language pathologist shall submit:

(1) An application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) The fee specified in s. 440.05 (1), Stats.

(4) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the board that the applicant does not have a conviction record.

(5) Evidence satisfactory to the board that the applicant has satisfied one of the following:

(a) Completed a supervised clinical practicum and received a master’s degree in speech–language pathology from a college or university approved by the board.

(b) Completed education or training that the board determines is substantially equivalent to the requirements under par. (a).

(6) Written verification forwarded directly to the board by the NESPA examination administrator, ASHA, course providers or trainers, as appropriate, stating that the applicant has satisfied one of the following:

(a) Passed the NESPA examination required under s. HAS 6.05.

(b) Completed education or training that the board determines is substantially equivalent to passing the NESPA examination that may include verification that the applicant has been granted a certificate of clinical competence in speech–language pathology by ASHA.

(7) Evidence satisfactory to the board that the applicant has satisfied one of the following:

(a) Completed a postgraduate clinical fellowship in speech–language pathology approved by the board.

(b) Completed education or training that the board determines is substantially equivalent to the completion of a postgraduate clinical fellowship in speech–language pathology.

History: Cr. Register, May, 1993, No. 449, eff. 6–1–93; emerg. am. (6), eff. 12–6–93; am. (6), Register, April, 1994, No. 460, eff. 5–1–94, r. (3), Register, July, 1998, No. 511, eff. 8–1–98; CR 01–043: am. (5), r. and recr. (6), Register October 2001 No. 550, eff. 11–1–01; CR 05–026: renum. (7) to be (7) (intro.), cr. (7) (a) and (b) Register September 2005 No. 597, eff. 10–1–05.

HAS 6.04 Applications for licensure; audiologist. Every applicant for licensure as an audiologist shall submit:

(1) An application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) The fee specified in s. 440.05 (1), Stats.

(4) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the board that the applicant does not have a conviction record.

(5) Evidence satisfactory to the board that the applicant has satisfied one of the following:

(a) Completed a supervised clinical practicum and received a master's degree in audiology from a college or university approved by the board.

(b) Completed education or training that the board determines is substantially equivalent to the requirements for licensure under par. (a), that may include evidence that the applicant has been granted an Au.D. degree from a college or university approved by the board.

(6) Written verification forwarded directly to the board by the NESPA examination administrator, ASHA, course providers or trainers, as appropriate, stating that the applicant has satisfied one of the following:

(a) Passed the NESPA examination required under s. HAS 6.05.

(b) Completed education or training that the board determines is substantially equivalent to passing the NESPA examination that may include evidence satisfactory to the board that the applicant has received one of the following:

1. A certificate of clinical competence in audiology granted by ASHA.

2. An Au.D. degree granted by a college or university approved by the board.

(7) Evidence satisfactory to the board that the applicant has satisfied one of the following:

(a) Completed a postgraduate clinical fellowship in audiology approved by the board.

(b) Completed education or training that the board determines is substantially equivalent to the completion of a fellowship that may include written verification that the applicant has been granted an Au.D. degree from a college or university approved by the board.

(8) Evidence satisfactory to the board that the applicant has passed the practical examination required under s. 459.26 (2) (b), Stats., or has completed education or training that the board determines is substantially equivalent to the completion of the examination.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93; r. (3), am. (7), Register, July, 1998, No. 511, eff. 8-1-98; cr. (8), Register, February, 1999, No. 518, eff. 3-1-99; CR 01-043: am. (5) and (8), r. and recr. (6) and (7), Register October 2001 No. 550, eff. 11-1-01.

HAS 6.05 Examinations. (1) An applicant for licensure as a speech-language pathologist shall satisfy one of the following:

(a) Pass the NESPA examination required by ASHA for certification as a speech-language pathologist.

(b) Submit written evidence satisfactory to the board that he or she has completed education or training that the board determines is substantially equivalent to passing the NESPA examination that may include written verification that the applicant has been granted a certificate of clinical competence in speech-language pathology by ASHA.

(2) An applicant for licensure as an audiologist shall satisfy all of the following:

(a) Submit written evidence satisfactory to the board that he or she has satisfied one of the following:

1. Passed the NESPA examination required by ASHA for certification as an audiologist.

2. Completed education or training that the board determines is substantially equivalent to passing the NESPA examination that may include evidence satisfactory to the board that the applicant has received one of the following:

a. A certificate of clinical competence in audiology granted by ASHA.

b. An Au.D. degree granted by a college or university approved by the board.

(b) Submit written evidence satisfactory to the board that he or she has passed the practical examination required under s. 459.26 (2) (b), Stats., or submit evidence of completion of education or training that the board determines is substantially equivalent to completing the practical examination.

Note: The board accepts Certificates of Clinical Competence (CCC) in speech-language pathology and audiology granted by ASHA, as well as Au.D. degrees granted by colleges and universities approved by the board, as evidence of completion of education and training that is substantially equivalent to passing the NESPA examination.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93; emerg. am. eff. 12-6-93; am. Register, April, 1994, No. 460, eff. 5-1-94; renum. and am. to be (1) and cr. (2), Register, February, 1999, No. 518, eff. 3-1-99; CR 01-043: r. and recr., Register October 2001 No. 550, eff. 11-1-01.

HAS 6.07 Reciprocal license. (1) An applicant seeking licensure on the basis of a license in another jurisdiction shall do all of the following:

(a) Submit an application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) Pay the fee specified in s. 440.05 (2), Stats.

(c) Submit evidence to the board that the applicant holds a current speech-language pathologist or audiologist license in another state or jurisdiction of the United States.

(2) In determining whether to grant a reciprocal license, the board shall determine whether the requirements for licensure in the other state or jurisdiction are substantially equivalent to the requirements for licensure under s. 459.24 (2) or (3), Stats.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93; CR 01-043: am. (1) (intro) and (c), Register October 2001 No. 550, eff. 11-1-01.

HAS 6.08 Limited permit. (1) A nonresident applicant applying for a limited permit under s. 459.32 (1), Stats., to practice speech-language pathology or audiology in association with a speech-language pathologist or audiologist licensed in this state shall submit all of the following:

(a) An application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) The fee specified in s. 440.05 (6), Stats.

(d) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the board that the applicant does not have a conviction record.

(e) Evidence satisfactory to the board that the applicant has completed one of the following:

1. If applying for a permit to practice speech-language pathology, evidence that the applicant has completed a supervised clinical practicum and received a master's degree in speech-language pathology from a college or university approved by the board, or has completed education or training that the board determines is substantially equivalent to the completion of those requirements.

2. If applying for a permit to practice audiology, evidence satisfactory to the board that the applicant has satisfied one of the following:

a. Completed a supervised clinical practicum and received a master's degree in audiology from a college or university approved by the board.

b. Completed education or training that the board determines is substantially equivalent to the requirements for licensure under par. (a), that may include evidence that the applicant has been granted an Au.D. degree from a college or university approved by the board.

(2) A nonresident applicant applying for a limited permit under s. 459.32 (2), Stats., to practice speech-language pathology or audiology shall submit all of the following:

- (a) An application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

- (b) The fees required under s. 440.05 (1) (b) and (6), Stats., as appropriate.

- (c) Evidence satisfactory to the board that the applicant holds a current speech–language pathologist license or audiologist license in another state or jurisdiction of the United States.

(3) A permit granted to an applicant applying under sub. (1) shall be valid for a period not to exceed 10 days in any calendar year. A permit granted to an applicant applying under sub. (2) shall be valid for a period not to exceed 45 days in any calendar year. In determining whether to grant a permit under sub. (2), the board shall determine whether the requirements for licensure in the other state or jurisdiction are substantially equivalent to the requirements for licensure under s. HAS 6.03 or 6.04, as appropriate.

History: Cr. Register, May, 1993, No. 449, eff. 6–1–93; am. (1) (b) and (2) (b), Register, January, 1994, No. 457, eff. 2–1–94; r. (1) (c), cr. (1) (d) and (e), am. (2) (b) and (3), Register, July, 1998, No. 511, eff. 8–1–98; am. (2) (b), Register, February, 1999, No. 518, eff. 3–1–99; CR 01–043: r. and recr. (1) (e) 2., am. (2) (b), (c) and (3), Register October 2001 No. 550, eff. 11–1–01.

HAS 6.085 Accommodations relating to a disability.

A qualified applicant with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for a credential.

History: Cr. Register, July, 1998, No. 511, eff. 8–1–98.

Subchapter II – Temporary Licensees

HAS 6.09 Definitions. In this subchapter and in ch. 459, Stats.:

- (1) “Hardship” means serious illness or some other personal adversity, as determined by the board.

- (1m) “Sufficient cause” means illness or other hardship.

- (2) “Supervision” means any of the following:

- (a) A face-to-face meeting, at least monthly, between the supervisor and the temporary licensee and other on-going communications by mail, telephone, pager, e-mail or other electronic means.

- (b) On-site, in-view observation and guidance by the supervisor while an assigned activity is performed by the temporary licensee.

- (3) “Temporary licensee” means an individual who has been granted a temporary license by the board under s. 459.24 (6), Stats., to engage in the practice of speech–language pathology or audiology during the completion of a postgraduate clinical fellowship.

History: CR 01–043: Cr. Register October 2001 No. 550, eff. 11–1–01; CR 05–026: renum. (1) to be (1m), cr. (1) Register September 2005 No. 597, eff. 10–1–05.

HAS 6.10 Application for temporary license.

- (1) Before commencing a postgraduate clinical fellowship in speech–language pathology or audiology, an individual shall obtain a temporary license under s. 459.24 (6), Stats. The applicant shall submit all of the following:

- (a) An application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

- (b) The fee specified in s. 440.05 (6), Stats.

- (c) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the board that the applicant does not have a conviction record.

- (d) Evidence satisfactory to the board that the applicant has completed one of the following:

1. A supervised clinical practicum and received a master’s degree in speech–language pathology or audiology, as appropriate, from a college or university approved by the board.

2. Education or training that the board determines is substantially equivalent to the completion of the requirements under subd. 1.

- (e) If applying for a temporary license to practice speech–language pathology, an application to take the next available examination for licensure as a speech–language pathologist required under s. 459.26 (2) (a), Stats.

- (f) If applying for a temporary license to practice audiology, an application to take the next available examinations for licensure as an audiologist required under s. 459.26 (2) (a) and (b), Stats.

- (2) A temporary license granted by the board to practice speech–language pathology is valid for a period designated by the board, not to exceed 18 months and may be renewed once for 18 months or longer, at the discretion of the board.

- (3) Except as provided in sub. (5), a temporary license granted to practice audiology is valid for a period designated by the board, not to exceed 12 months.

- (4) A temporary license granted under sub. (3) may be renewed once for 12 months or longer, at the discretion of the board, if the applicant fails an examination for licensure under s. 459.26 (2) (a) or (b), Stats., and applies to take the next available examination or if the applicant shows, to the satisfaction of the board, sufficient cause for the renewal.

- (5) If an individual who is granted a temporary license under sub. (3) to practice audiology fails to take the next available examination under s. 459.26 (2) (a) or (b), Stats., for reasons other than inaction by the board or hardship, the temporary license granted under sub. (3) automatically expires on the one-hundredth calendar day following the date the individual failed to take the examination.

- (6) The application and documents required for a temporary license may be reviewed by 2 members of the board to determine eligibility. The board may issue a temporary license prior to regular licensure to an applicant who meets the requirements under sub. (1).

Note: The board accepts an Au.D. degree that has been granted by a college or university approved by the board as evidence of completion of education and training that is substantially equivalent to the completion of a supervised clinical practicum and receipt of a master’s degree in audiology, passing the NESPA examination and completion of a postgraduate clinical fellowship in audiology.

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01; CR 05–026: am. (1) (intro.) and (2), renum. (3) to be (6), cr. (3) to (5) Register September 2005 No. 597, eff. 10–1–05.

HAS 6.11 Supervision. Supervision during the period of temporary licensure shall be face-to-face, at least monthly, with a speech–language pathologist or audiologist who shall once a month provide written approval in the client files of the clinical services provided.

History: CR 01–043: Cr. Register October 2001 No. 550, eff. 11–1–01.

HAS 6.12 Use of titles. An individual who holds a temporary license under s. 459.24 (6), Stats., may use the title “audiology intern,” “speech–language pathology intern,” “clinical fellow in audiology,” or “clinical fellow in speech–language pathology.”

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01.

HAS 6.13 Discipline. Temporary licensees and speech–language pathologists and audiologists who supervise temporary licensees may be subject to discipline under s. HAS 6.18.

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01.

Subchapter III – Unlicensed Individuals

HAS 6.14 Definitions. In this chapter and in ch. 459, Stats.:

- (1) (a) “Assist in the practice of speech–language pathology” means providing speech–language pathology services, while under direct supervision, that include any of the following:

1. Assisting the speech–language pathologists with speech–language screenings.

2. While in the presence of the speech–language pathologist, providing assistance during client evaluations.

3. Helping with informal documentation such as taking a written language sample; organizing test materials; preparing treatment materials; developing communication boards and performing assigned clerical duties.

4. Scheduling activities, preparing charts, records, graphs or displaying data related to client performance.

5. Performing calibration and regular maintenance of equipment.

6. Participating in research projects, in–service training and public relations programs.

7. While in the presence of the speech–language pathologist, providing assistance during a treatment session conducted by the speech–language pathologist that may include any of the following:

a. Structured speech–language drills; oral motor exercises; practice and reinforcement of established speech–language skills and applications to communication activities of daily living.

b. Informal documentation of the client’s response to treatment.

8. Providing treatment to clients selected by the speech–language pathologist by adhering to the treatment plans established by the speech–language pathologist who is available on site for consultation, as needed.

(b) “Assist in the practice of speech–language pathology” does not include any of the following:

1. Performing formal or informal speech–language pathology evaluations.

2. Interpreting screening or test results.

3. Participating in client conferences or interdisciplinary team meetings or communicating with a client’s family or other individuals outside of the presence of the supervising speech–language pathologist unless authorized by the speech–language pathologist.

4. Writing evaluation consultation reports.

5. Counseling or consulting with the client, the client’s family or other individuals regarding the client’s status or service.

6. Writing, developing or modifying a client’s individualized treatment plan.

7. Deviating from the treatment plan.

8. Working with clients without direct supervision by the speech–language pathologist.

9. Signing formal client documents such as evaluations or progress notes.

10. Selecting clients for service or discharging clients from service.

11. Disclosing confidential client information to anyone other than the supervising speech–language pathologist unless authorized by the supervising speech–language pathologist.

12. Referring a client to another health care provider.

13. Representing himself or herself as a speech–language pathologist.

14. Using a checklist to tabulate results of feeding or swallowing evaluations.

15. Demonstrating swallowing strategies or precautions to a client, the family of a client or staff.

(2) (a) “Assist in the practice of audiology” means providing audiology services that include any of the following:

1. Conducting hearing screenings including pure tone thresholds.

2. Servicing hearing instruments including applying lubrication, making tube changes on ear molds, cleaning and repairing cases or ear mold surfaces, checking battery status and returning hearing instruments to clients after servicing.

3. Preparing informal documentation of clients’ responses to treatment or service.

4. Performing biological checks, calibrations and regular maintenance of equipment.

5. Preparing charts and records, scheduling activities and performing assigned clerical duties.

(b) “Assist in the practice of audiology” does not mean any of the following:

1. Performing diagnostic audiological evaluations.

2. Interpreting screening or test results.

3. Writing evaluation consultation reports.

4. Providing counseling to the client or the client’s family.

5. Signing formal client documents including evaluations and progress notes.

6. Disclosing confidential client information unless authorized by the supervising audiologist.

7. Referring a client to another health care provider.

(3) “Direct supervision of unlicensed individuals” means:

(a) For purposes of monitoring unlicensed individuals who assist in the practice of speech–language pathology, providing direct observation and supervision of the clinical services provided by the individual to clients at least 50% of client contact time during the first 90 days of employment and no less than 10% thereafter. Direct supervision shall be scheduled and documented. Documentation of direct supervision shall include all of the following:

1. Identifying specific roles and tasks for the individual.

2. Ensuring that the tasks performed by the individual do not require the exercise of professional judgment or entail interpretation of results or the development or modification of treatment plans.

3. Providing appropriate training that is competency–based and specific to job performance.

4. Maintaining a record of direct supervision provided by the speech–language pathologist over the unlicensed individual who assists in the practice of speech–language pathology.

(b) For purposes of monitoring unlicensed individuals who assist in the practice of audiology, providing comprehensive, periodic and documented supervision that includes:

1. Identifying specific roles and tasks for the individual.

2. Ensuring that the tasks performed by the individual do not require the exercise of professional judgment or entail interpretation of results or the development or modification of treatment plans.

3. Providing appropriate training that is competency–based and specific to job performance.

(4) “Full–time equivalent individual” means an unlicensed individual who, alone or in conjunction with other unlicensed individuals, assists in the practice of speech–language pathology or audiology for a combined total of 40 hours per week.

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01; CR 03–025: am. (1) (a) 1. and 2., (b) 5. and 7., (2) (a) 2., (3) (a) (intro.), and 4., renum. (1) (a) 2. a. to d. and 3. (intro.) to be (1) (a) 3., 4., 5., 6. and 7., renum. and am. (1) (a) 4. to be (1) (a) 8., cr. (1) (b) 13., 14. and 15. Register January 2004 No. 577, eff. 2–1–04.

HAS 6.15 Direct supervision. (1) An unlicensed individual may assist in the practice of speech–language pathology or audiology only under the direct supervision of a speech–language pathologist or audiologist, as appropriate.

(2) For purposes of supervising unlicensed individuals who assist in the practice of speech–language pathology or audiology:

(a) A speech–language pathologist may supervise up to 2 full–time equivalent individuals at any given time.

(b) Except as provided in par. (c), an audiologist may supervise up to 5 full–time equivalent individuals at any given time.

(c) In industrial settings, an audiologist may supervise up to 10 full-time equivalent individuals at any given time.

History: CR 01-043: cr. Register October 2001 No. 550, eff. 11-1-01.

HAS 6.16 Prohibited practice and use of titles. No person may engage in the practice of speech-language pathology or use the title “speech-language pathologist” or any similar title or engage in the practice of audiology or use the title “audiologist,” “clinical audiologist” or any similar title, unless the person holds a current speech-language pathologist or audiologist license, as appropriate, granted by the board.

History: CR 01-043: cr. Register October 2001 No. 550, eff. 11-1-01.

HAS 6.17 Discipline. A speech-language pathologist or audiologist who supervises an unlicensed individual may be subject to discipline under s. HAS 6.18.

History: CR 01-043: cr. Register October 2001 No. 550, eff. 11-1-01.

Subchapter IV – Discipline

HAS 6.175 Definitions. In this subchapter and in subchapter II of ch. 459, Stats.:

(1) “Cerumen management” means the removal of cerumen from the external auditory canal by the utilization of methods and techniques performed in accordance with minimum standards and procedures established in the audiological profession.

(1m) “Deceptive advertising” means creating, using, or promoting the use of any advertising material, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, false, or untruthful.

(2) “Full terms of sale” means the conditions of a sale agreed to by an audiologist and the purchaser of a hearing instrument.

(3) “Personal guarantee” means a promise made by an audiologist to a hearing instrument purchaser to provide the minimum product warranty offered by a manufacturer.

(4) “Sell” or “sale” has the meaning given in s. 459.20 (3t), Stats.

(5) “Unprofessional conduct” means the violation of any standard of professional behavior, which through experience, state statute or administrative rule has become established in the practice of speech-language pathology or audiology.

History: CR 05-026: cr. Register September 2005 No. 597, eff. 10-1-05; CR 12-050: cr. (1m) Register August 2013 No. 692, eff. 9-1-13.

HAS 6.18 Grounds for discipline. (1) The board may reprimand a speech-language pathologist, audiologist, temporary licensee or a permittee, or deny, limit, suspend or revoke a license or permit, if it finds that the applicant, licensee or permittee has done any of the following:

(a) Made a material misstatement in an application for a license or permit or for renewal of a license.

(b) Engaged in conduct in the practice of speech-language pathology or audiology which evidences a lack of knowledge or ability to apply professional principles or skills.

(c) Subject to ss. 111.321, 111.322 and 111.335, Stats., been convicted of an offense the circumstances of which substantially relate to the practice of speech-language pathology or audiology.

(d) Engaged in deceptive advertising.

(e) Advertised, practiced, or attempted to practice under another individual’s name.

(f) Subject to ss. 111.321, 111.322 and 111.34, Stats., practiced speech-language pathology or audiology while the person’s ability to practice was impaired by alcohol or other drugs.

(g) Violated ch. 459, Stats., subchapter II, or any rule promulgated by the board under that subchapter.

(h) Engaged in unprofessional conduct.

(2) In this subchapter and in s. 459.34 (2) (h), Stats., the following, without limitation because of enumeration, are violations

of standards of professional behavior that constitute unprofessional conduct:

(a) Subject to ss. 111.321, 111.322 and 111.34, Stats., practicing or attempting to practice speech-language pathology or audiology while the person’s ability to practice is impaired by a mental or emotional disorder.

(b) Using the title “speech-language pathologist,” “audiologist” or any similar title unless the individual holds a current speech-language pathologist or audiologist license granted under s. 459.24 (2) or (3), Stats.

(c) Violating the conditions or limitations placed upon a license or permit by the board.

(d) Engaging in conduct likely to deceive, defraud, or harm an individual or the public in the course of the practice of speech-language pathology or audiology.

(e) Having a license, certificate, permit or registration issued by another jurisdiction to practice as a speech-language pathologist or audiologist limited, suspended or revoked.

(f) Aiding or abetting an unlicensed person, knowingly conspiring with an unlicensed person, or allowing one’s license to be used by an unlicensed person to evade the use of a title prohibited under s. 459.24 (1) or (1m), Stats.

(g) Engaging in sexual intimacies in connection with the practice of speech-language pathology or audiology.

(h) Failing to fully inform persons served of the nature and possible adverse effects of services rendered and products dispensed.

(i) Failing to evaluate the effectiveness of services rendered or products dispensed.

(j) Providing services or dispensing products when benefits cannot reasonably be expected.

(k) Guaranteeing the results of any treatment or procedure, directly or by implication, except that a reasonable statement of prognosis may be made.

(L) Evaluating or treating speech, language, or hearing disorders except in a professional relationship.

(m) Treating solely by correspondence.

(n) Failing to maintain adequate records of professional services rendered and products dispensed for a period of 5 years.

Note: Speech-language pathologists and audiologists are also required to maintain patient health care records in accordance with ss. 146.81 to 146.84, Stats.

(o) Failing to provide access to records of professional services rendered and products dispensed when requested by the board or its representative in connection with an investigation of a complaint filed against the applicant, licensee or permittee.

(p) Failing to record all of the following information in each client record:

1. The name of the licensee.

2. The date of entry of pertinent information.

3. Information sufficiently legible to allow interpretation by other individuals for the benefit of the client.

(q) Misrepresenting diagnostic information, services rendered, or products dispensed or engaging in any scheme to defraud in connection with obtaining reimbursement.

(r) Using persons in research or as the subject of a teaching demonstration without obtaining their informed consent.

(s) Failing to practice speech-language pathology or audiology within the scope of the licensee’s competence, education, training and experience.

(t) Delegating the provision of clinical services to an unlicensed individual for whom the licensee does not provide direct supervision.

(u) Delegating the provision of clinical services to a temporary licensee for whom the licensee does not provide supervision.

(v) Knowingly permitting any professional staff or unlicensed individual to provide clinical services that exceed that person’s competence, education, training and experience.

(w) Failing to assign credit to persons who have contributed to clinical services, a publication, presentation or product in proportion to their contribution.

(x) Violating any federal or state statute, rule or regulation that relates to the practice of speech–language pathology or audiology, as appropriate.

(3) In addition to the bases for unprofessional conduct set forth under sub. (2), the board may reprimand an audiologist, or deny, limit, suspend or revoke a license or permit, if it finds that the applicant, licensee or permittee has engaged in the following unprofessional conduct:

(a) Violated any federal or state statute, rule or regulation that relates to the practice of fitting and dealing in hearing aids.

(b) Failed to conduct a direct observation of the ear canal of a person for whom a hearing aid is purchased.

(c) Sold a hearing aid for use by a person who was not given tests by a hearing instrument specialist or an audiologist licensed under ch. 459, Stats., or in another state using appropriate procedures and instrumentation or without proper measurement of the functional intensity and range of the person's hearing.

(d) Failed to calibrate audiometric equipment at least once every 12 months.

(e) Failed to maintain adequate records of certification of calibrations of audiometric equipment for a period of 5 years or failed to provide access to those records when requested by the board or its representative.

(f) Failed to clearly state the full terms of sale on a receipt, as required in s. 459.24 (3m), Stats., or failed to comply with those terms. The full terms of sale shall include all of the following:

1. The amount and method of payment.
2. The date and place of delivery.
3. The terms of any personal guarantee.
4. The nature and duration of the trial period and extension, if any.
5. The refund policy and amount, if any.
6. The product return and exchange policy, if any.
7. The product repair policy, if any.

(g) Failed to perform cerumen management in a competent manner.

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01; CR 03–025: cr. (1) (h), (2) (d), (e) and (f) Register January 2004 No. 577, eff. 2–1–04; CR 05–026: renum. (2) and (3) to be (3) and (2) and am. Register September 2005 No. 597, eff. 10–1–05; CR 112–050: am. (1) (d) Register August 2013 No. 692, eff. 9–1–13.